

**COLUMBUS BOARD OF ZONING APPEALS
123 WASHINGTON STREET
COLUMBUS, INDIANA**

The Columbus Board of Zoning Appeals met at 6:30 p.m., October 28, 2003 in the Council Chambers, second floor of City Hall, 123 Washington Street, Columbus, Indiana for its monthly meeting.

Members Present: Pat Zeigler, Karen Dugan, Mary Ferdon, Eric Frey, Gary Nienaber, and Lou Marr

Staff Present: Roger Hunt, Planning Director; Mark DeBusk, Asst. Chief Code Enforcement Officer; Alan Whitted, Deputy City Attorney; Thom Weintraut, Associate Planner; Marcus Hurley, Planning Technician; Sondra Bohn, Nancy Whipker and Stephanie Carr

Ms. Zeigler opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments will become a permanent record at the Planning Department.

Mr. Whitted administered the oath to all people who would be speaking regarding the petitions.

DOCKET NO. C/CU 03-09 RONNIE & DEBRA FORREST

This is a request for a Conditional Use Permit to allow the operation of a home-based business from an accessory structure. The property is located at 6950 W 450 S, Columbus, Indiana 47201.

Deborah and Ronald Forrest gave their names for the record.

Mr. Hurley read the staff report for a home based business from an accessory structure. This request is to operate a gift shop and sell antiques, located at the petitioners' residence. The petitioners are requesting to use approximately 750-sq. ft. above a 4-car garage with 2 employees, from 11:00 a.m. to 5:00 p.m., Monday through Saturday. The home is on 11 acres and is currently used for residential and farming purposes.

Mr. Hurley reviewed the Provisional Findings of Fact, stating that criteria had not been met for No. 2. "Adequate off street parking and loading areas will be provided". No. 4. "All utilities necessary for this use are available". No. 5. "Screening and buffering will

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be provided.” Mr. Hurley said Staff recommends approval, providing the petitioner can demonstrate that the above mentioned criteria have been met.

DISCUSSION: Mr. & Mrs. Forrest informed the staff that they would be the only employees working at the business.

Mary Ferdon moved to approve C/CU-03-09 along with the provisional findings of fact, with the following condition:

Business hours shall be no more than Tuesday through Saturday 11-5, no more hours, it can be less.

Parking lot must be striped.

The State highway Department approval will be necessary.

All employees will be family members

Lou Marr seconded the motion that passed unanimously.

DOCKET NO. C/U-03-10 PENNY HUNDLEY

This is a request for a Conditional Use Permit to allow the operation of a home-based business. The property is located at 3159 N. National Road, Columbus, Indiana 47201.

Penny Hundley and her Attorney, Joyce Thayer-Sword, gave their names for the record.

Mr. Hurley read the staff report requesting a permit to allow Mrs. Hundley to operate a Beauty Salon in her home. The proposal is to operate 2 or 3 days per week, Tuesday 9 a.m –7 p.m and Wednesday from 9 a.m.-5 p.m., and 2 Saturdays a month 8 a.m.- 1 p.m. The petitioner proposed one customer on site at one time. The Petitioner was denied in October of 2002. No significant changes have been made to the Petition, but 12 months have elapsed and petitioner may resubmit an application according to the Board’s Rules of Procedure. Mr. Hurley gave planning consideration for the following:

1. Access of parking for additional traffic would be generated by the use.
2. Landscaping was taken into consideration to measure the effect the proposed use would have on adjoining property owners.
3. Business visibility from the road was also addressed, as part of the Criteria.

Previously the petitioner proposed fencing, but that was not part of this request.

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PROVISIONAL FINDING

Mr. Hurley reviewed the Findings stating that all Criteria had been met.

Penny Hundley presented pictures of her home, where the Beauty Salon would be.

Joyce Thayer-Sword questioned the Planning department as to whether this proposed used would qualify as a Level 2 home based occupation.

Roger Hunt said that he would have to look into it, but believed it would qualify as a Level 2.

Ms. Thayer-Sword said if it does qualify, there would be no reason petitioner would even need to request a Conditional Use. The discussion continued between Roger Hunt and Joyce Thayer-Sword about the ordinance regarding a home base occupation.

Tim Scheidt appeared as an appraiser on behalf of Penny Hundley. He discussed the property and how well it is landscaped and should not affect in any way, the value of the other homes in that area.

The meeting was opened for public comments.

John and Ann Hackett, Charles Mitchell, Dean Smith, Susann Smith and Jim Merritt spoke against the request.

Bonnie Booth, Jean Triplet, Greg Young, Ginny Ners, Mark Gordon, Mrs. James Russell and Michelle Otto, who she worked for were all in favor of the request.

Letters were read into the record from the following people, who were opposed to the request:

Suzanne Smith, Thomas Henderson, Dean Weed, James Foulke,
Sarah Kittle and Dr. Ruth Holland.

Letters were read into the record from the following people, who were in favor of this request:

Richard Easton, Greg Young, Lindsay Rif, Lana Scherer,
Joyce Reising, Joyce and Gary Robertson

Mary Ferdon made a motion to approve this request and Gary Nienaber seconded the motion.

The motion passed 4 to 1.

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DOCKET NO. C/DS-03-16 STEVEN & PATRICIA CONARD

This is a request for a Developmental Standards Variance to allow a multi-family dwelling unit to exceed the maximum lot coverage requirements. An additional variance is requested to give relief of the open space requirements. The property is located at 1121 Pearl Street, Columbus, Indiana 47201

Mr. Hurley read the staff report, stating that none of the criteria had been met. Mr. Conard addressed the Staff and told them he had made some changes since the inspection.

Mr. Hurley stated that he has not had time to look into the new findings that have been made.

Lou Marr made a motion to continue petition.

Karen Dugan seconded the motion. Cause continued to November 25, 2003.

DOCKET NO. C/DS 03-17 TAKENAKA CORPORATION, USA

This is a request for a Developmental Standards Variance to exceed the permitted area for a wall sign. The property is located at 8251 S. International Drive, Columbus, Indiana 47201

Mr. Hurley read the staff report stating that the Criteria had not been met. The representative for Takenaka Corporation presented his case and pictures were presented.

The sign exceeds the standard set forth in the Columbus Zoning Ordinance by such an excessive amount, that it may set an unwanted precedent. The proposed signage is over 200% more than what is permitted. It is in excess of what is intended by the ordinance.

The meeting was opened to the public for comments.

DISCUSSION: Pete Semmier, spoke on behalf of Ron and Sheila Stephens, questioning the sign, and asking if the sign would be facing their house. The representative, responded that it would not face Mr. and Mrs. Stephens house.

Lou Marr moved to deny C/DS 03-17 based on the provisional findings of fact and Mary Ferdon seconded the motion. Pat Zeigler was in favor.

It was denied 4-1

FINDINGS OF FACTS:

The following Findings of Fact were presented to the Board for consideration:

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C/DS 03-09 GILBERT RICHARDS Mary Ferdon moved to accept the Findings, seconded by Karen Dugan and approved unanimously.

C/DS 03-11 ALAN MULLINS Karen Dugan moved to accept the Findings, seconded by Mary Ferdon and approved unanimously.

C/DS 03-12 BRANDON BUSH Karen Dugan moved to accept the Findings, seconded by Mary Ferdon and approved unanimously.

C/CU 03-07 CHARLES & ROSE SHAFFER Karen Dugan moved to accept the Findings, seconded by Gary Nienaber and approved unanimously.

C/DS 03-14 HANSEN & HORN Mary Ferdon moved to accept the Findings, seconded by Karen Dugan and approved unanimously.

C/DS 03-15 STEVE POTTER Lou Marr moved to accept the Findings, seconded by Karen Dugan and approved unanimously.

MINUTES

Upon a motion made by Mary Ferdon and seconded by Karen Dugan, the minutes of the August 26, 2003, meeting were unanimously approved as corrected.

There being no further business the meeting was adjourned.

Patricia Zeigler, Chair

Karen Dugan, Secretary